

# EXHIBIT 3

Linda A. Motyka, Ph.D.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE DEPAKOTE CASES:

RHEALYN ALEXANDER, et al.,

Plaintiffs,

VS.

CASE NUMBER  
12-CV-52-NJR-SCW

ABBOTT LABORATORIES, INC., et al.,

Defendants.

Case affected:

A.S., a minor, by MARTHEE  
SANSONE, individually and as  
parent and next friend of A.S.

VS.

CASE NUMBER  
17-CV-793

ABBOTT LABORATORIES, INC.

DEPOSITION OF LINDA A. MOTYKA, Ph.D.

The deposition of Linda A. Motyka, Ph.D., was taken at the law office of Heninger, Garrison & Davis, in Birmingham, Alabama, on November 6, 2017, commencing at 9:00 a.m., before Mitzi Smith, Court Reporter & Notary Public as Commissioner, pursuant to the stipulations set forth herein.

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1 will render the product misbranded. It says it  
2 may render the product misbranded.

3 Q Doctor, it says the final printed  
4 labeling must be identical to the enclosed  
5 labeling.

6 A Uh-huh.

7 Q Which means that the labeling that we've  
8 been looking at that was attached here, that  
9 language was not only approved by the FDA, but  
10 they directed Abbott to ensure that the final  
11 printed labeling was identical to this  
12 attachment; correct?

13 A Yes.

14 Q Okay. Would you agree with me that the  
15 FDA owns the black box, Doctor?

16 A What?

17 Q Would you agree with me that the FDA  
18 owns the black box warnings?

19 A What do you mean owns it?

20 Q The FDA must approve a black box  
21 warning; correct?

22 A Yes, they review it and approve.

23 Q And a black box warning cannot be added  
24 via CBE by a manufacturer, can it?

25 A I don't believe so.

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1 Q And in order to change a black box  
2 warning, that has to be approved prior to the  
3 change by the FDA; correct?

4 A Yes.

5 Q And a black box warning is prominently  
6 featured to -- a prominently featured label to  
7 warn the prescriber of a serious adverse  
8 reaction; correct?

9 A Yes, an important information, important  
10 safety information.

11 Q Well, the bottom of page 16 and the top  
12 of page 17 you talk about the patient  
13 information leaflet being directed only to  
14 patients with migraines.

15 A Yes.

16 Q Right? Are you aware of whether there  
17 was ever a standalone patient information  
18 leaflet?

19 A I don't know what you mean.

20 Q Are you aware of whether there were ever  
21 leaflets that could be handed out separate from  
22 the prescribing information, tear off sheets,  
23 for example, that could be handed out to  
24 patients?

25 A That's what a patient information

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1 CERTIFICATE

2  
3 STATE OF ALABAMA

4 TALLADEGA COUNTY

5  
6 I, the undersigned, a CSR, RPR, CRR and  
7 Notary Public of the State of Alabama at Large,  
8 hereby certify that the proceedings in the  
9 herein matter were taken at the time and place  
10 therein stated; that the proceedings were  
11 reported by me, court reporter and  
12 disinterested person, and were thereafter  
13 transcribed by means of computer-aided  
14 transcription; that the foregoing is a complete  
15 and true record of said witness.

16  
17 I further certify that I am not of counsel  
18 or attorney for either or any of the parties in  
19 the foregoing proceedings and caption named, or  
20 in any way interested in the outcome of the  
21 cause named in said caption.

22  
23 IN WITNESS WHEREOF set my hand and affixed  
24 my seal this 16th day of November, 2017.  
25

26  
27  
28 Mitzi Smith, ACCR# 117, RPR, CRR  
29 Notary Public State of Alabama

30 My Commission Expires: August 16, 2018  
31  
32  
33  
34  
35